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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/726,443
Filing Date: December 03, 2003
Appellant(s): AZUMA, SHIGEO

Gerald R. Woods
Reg. No. 24,144
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 13, 2008 appealing from the Office action mailed August 28, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,295,068	Nishino et al.	3-1994
7,031,906	Shimohata et al.	4-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

1. Claims 13 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 is directed to a computer program product comprising a computer readable medium. However, a mere computer readable medium that is not specifically a storage medium can be interpreted as a magnetic carrier wave, which is non-statutory under 35 U.S.C 101. Therefore claim 13 is rejected under 35 U.S.C. 101 as well as claim 19 as it is dependent on claim 19.

Claim Rejections - 35 USC § 103

2. Claims 1, 3, 5-7, 10, 11, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino et al. (US Patent 5,295,068) in view of Shimohata et al. (7,031,906).

3. Consider claim 1, Nishino teaches a translation server for translating an entered text and providing a translated text (Figure 1, Machine-translation / Electronic-Mail system 1), comprising:

a translation processing unit for executing a text translation process (translation means, 6.); and

a dictionary storage unit for storing a general dictionary file referred to in the text translation process (standard dictionary 7) and a virtual dictionary file created at the start of the session in the text translation process only during the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.), said virtual dictionary file stored in the dictionary storage unit is created when the session begins and erased when the session ends (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

However Nishino does not teach that the session is a collaborative session, and that the user dictionary is deleted when the session ends.

In the same field of translation using user defined dictionaries, Shimohata teaches that the session is a collaborative session (Abstract describes a conversation

system), and that the user dictionary is deleted when the session ends (It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12. It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the user dictionary that is created and deleted as taught by Nishino in the chat room environment as taught by Shimohata in order to allow for a convenient user defined dictionary in a chat environment.

4. Consider claim 3, Nishino teaches a collaboration server for supporting a collaborative session with a plurality of terminals exchanging data via a network (Figure 1, Machine-translation / Electronic-Mail system 1), comprising:

a session management unit for managing a session with the plurality of terminals (electronic mail receiving unit 4 and electronic mail transmitting unit 5.);

a translation processing unit for translating a text in a first language entered during the session with a first terminal into a second language used in a second terminal participating in the session (translation means, 6.); and

a dictionary management unit for creating a session-specific dictionary file at the start of the session for use by the translation processing unit during the session (Figure 1, Word temporarily registering means 9. Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.), said dictionary management unit causing the session-specific file to be erased at the end of the session.

However Nishino does not teach that the session is a collaborative session, and that the user dictionary is deleted when the session ends. In the same field of translation using user defined dictionaries, Shimohata teaches that the session is a collaborative session (Abstract describes a conversation system), and that the user dictionary is deleted when the session ends (It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12. It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the user dictionary that is created and deleted as taught by Nishino in the chat room environment as taught by Shimohata in order to allow for a convenient user defined dictionary in a chat environment.

5. Consider claim 5, Nishino and Shimohata teaches the collaboration server according to Claim 3, wherein the dictionary management unit creates, at the start of the collaborative session, a session-specific dictionary file for each terminal participating in the collaborative session and causes each created session specific file to be erased at the end of the collaborative session (Nishino Figure 1, Word temporarily registering means 9. Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38, Nishino. Nishino, Figure 7A shows user specific private dictionaries that require IDs to access, specific to each user. This is described in detail Column 13, line 34 - Column 14, line 65, Nishino. It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12, Shimohata. It is inherent in this system that this dictionary is kept at least until the end of the chat session) .

6. Consider claim 6, Nishino and Shimohata teaches the collaboration server according to Claim 3, wherein, the dictionary management unit creates a collaborative session-specific dictionary file corresponding to a user when the user enters

collaboration session and erases the session-specific dictionary file when the user exits the collaboration session (Nishino , Figure 5A, Words are registered in private use dictionary before each translation session, step S10 and deleted after the translation, step S12; column 9, lines 13-38. Nishino, Figure 7A shows user specific private dictionaries that require IDs to access, specific to teach user. This is described in detail Column 13, line 34 - Column 14, line 65. Shimohata, It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12, Shimohata. It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

7. Consider claim 7, Nishino teaches an information processor Figure 1, Machine-translation / Electronic-Mail system 1), comprising:

input means for entering a text in a first language computer on left outputting email 3 to receiving unit 4);

translation processing means for translating the text into a second language to create a translation text (translation means 6);

dictionary storage means for storing a general dictionary file referred to in the translation process executed by the translation processing means (standard dictionary 7);

virtual dictionary storage means for storing a virtual dictionary file for use in the translation process executed by the translation processing means for the duration of a session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.); and

output means for outputting the translated text created by the translation processing means (computer on right receiving translated email from transmitting unit 5).

However Nishino does not teach that the session is a collaborative session, nor that the user dictionary isn't deleted when the session ends.

In the same field of translation using user defined dictionaries, Shimohata teaches that the session is a collaborative session (Abstract describes a conversation system), nor that the user dictionary isn't deleted when the session ends (It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12.

It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the user dictionary that is created and deleted as taught by Nishino in the chat room environment as taught by Shimohata in order to allow for a convenient user defined dictionary in a chat environment.

8. Consider claim 10, Nishino teaches a machine translation method for translating a text in a first language into a second language with a computer (using system of figure 1), comprising the steps of:

at the start of a session between two or more users, creating, in a memory, when a session starts, a dictionary file used in a translation process executed during the session, the dictionary file being specific to the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.);

registering a word and its usage in the dictionary file specific to the session (A temporarily-registering means 9 of the machine-translation/electronic-mail system 1 temporarily stores in a private-use dictionary 10 (temporarily used in the translation process as a private-use word dictionary) the private-use word extracted by the word-definition recognition means 8; column 3, line 25.); and

translating text entered during the session referring to the dictionary file specific to the session (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation; column 4, line 25.).

However Nishino does not teach that the session is a collaborative session, and that the user dictionary is deleted when the session ends.

In the same field of translation using user defined dictionaries, Shimohata teaches that the session is a collaborative session (Abstract describes a conversation system), and that the user dictionary isn't deleted when the session ends (It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be improved on a unit basis of the whole group instead of the user unit; column 16, line 12. It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the user dictionary that is created and deleted as taught by Nishino in the chat room environment as taught by Shimohata in order to allow for a convenient user defined dictionary in a chat environment.

9. Consider claim 11, Nishino teaches the machine translation method according to Claim 10, wherein translating text entered during the session referring to the dictionary file specific to the session gives higher priority to the dictionary file specific to the session than to a general dictionary file (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation. If the word's meaning in the target language is not found in the temporary dictionary, the standard dictionary is then looked up by the translation means 6 of the system 1 to obtain a translation result of the source text; column 4, line 25.).

10. Consider claim 13, Nishino teaches a computer program product for causing a computer to translate a text in a first language into a second language, (Using figure 1, as this system deals with computer text messages, it is inherent that the system is operated using a computer program product.), the computer program product comprising:

a computer readable medium having computer usable program code embodied therewith (This is inherent on a computer system) comprising:

computer usable program code configured to create, in a memory, when a session begins, a dictionary file specific to the session, used in a translation process executed during the session (Private-use word dictionary, 10 is a temporary dictionary set up by the user for specialized translations; column 4, lines 9- 21.);

computer usable program code configured to register a word and its usage in the dictionary file specific to the session (A temporarily-registering means 9 of the machine-

translation/electronic-mail system 1 temporarily stores in a private-use dictionary 10 (temporarily used in the translation process as a private-use word dictionary) the private-use word extracted by the word-definition recognition means 8; column 3, line 25.); and

computer usable program code configured to translate text entered during the session, referring to the dictionary file specific to the session created when the session starts (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation; column 4, line 25.).

computer usable program code configure to erase the registered word and its usage from the dictionary file at the end of the session (Figure 5A, Words are registered in private use dictionary before translation step S10 and deleted after the translation, step S12; column 9, lines 13-38.).

However Nishino does not teach that the session is a collaborative session, and that the user dictionary is deleted when the session ends.

In the same field of translation using user defined dictionaries, Shimohata teaches that the session is a collaborative session (Abstract describes a conversation system), and that the user dictionary is deleted when the session ends (It is desirable that the dedicated dictionary 140 is provided for every chat group in place of providing it for every terminal apparatus or user or in addition to that it is provided for every terminal apparatus or user. Thus, since the message which is transmitted from the person who participates in the chat can be translated by using the terms suitable for the common subject in the chat group, the message regarding the subject of the chat can be

improved on a unit basis of the whole group instead of the user unit; column 16, line 12. It is inherent in this system that this dictionary is kept at least until the end of the chat session.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the user dictionary that is created and deleted as taught by Nishino in the chat room environment as taught by Shimohata in order to allow for a convenient user defined dictionary in a chat environment.

11. Consider claim 19, Nishino teaches a computer program product according to claim 13 wherein the computer usable program code configured to translate text entered during the collaborative session, referring to the dictionary file specific to the collaborative session created when the collaborative session starts further comprises computer usable program code configured to give higher priority to the dictionary file specific to the session than to a general dictionary file (If the word's meaning in the target language is found in the temporary dictionary, this meaning is employed in the translation. If the word's meaning in the target language is not found in the temporary dictionary, the standard dictionary is then looked up by the translation means 6 of the system 1 to obtain a translation result of the source text; column 4, line 25.).

(10) Response to Argument

Section 103 rejections – Claims 1, 3, 5-7, 10, 11, 13, and 19

1. The Appellant asserts on page 5:

The Nishino patent neither discloses nor suggests the use of a virtual dictionary file that is created at the start of a collaborative session, remains available for use during the entire session and then is erased when the session ends.

An e-mail system of the type contemplated by Nishino is not even a session-based system, but rather an asynchronous system in which each user decides independently when and for how long to use the system without regard to whether any other user is currently using the same system. The concept of "sessions" does not even come into play in an e-mail system of the type contemplated by Nishino.

The examiner maintains that Nishino teaches the use of a virtual dictionary file that is created at the start of a collaborative session, remains available for use during the entire session and then is erased when the session ends. The appellant opines that because the system of Nishino is an email system, it is not a collaborative session. However, one of ordinary skill in the art can appreciate that email is in fact a collaborative tool, and sending an email can be considered a "collaborative session." It should be noted that in the rejection above, Shimohata was used to specifically teach a collaborative session, which has been argued, although not clearly claimed, by the appellant to be more of a collaborative "chat" session, in order to provide a strong grounds for rejection. Shimohata clearly teaches a collaborative session as claimed as shown in the rejection.

Considering now that the combination Nishino and Shimohata can fairly be considered a collaborative session, or "session-based," it can be appreciated that in fact a virtual dictionary file that is created at the start of a collaborative session, remains available for use during the entire session and then is erased when the session ends. Shimohata teaches the use of dedicated dictionary for each chat group and provided to

each terminal and user, see column 16 line 12. It is inherent in the operation of such a dictionary that this dictionary will be kept for the duration of the chat session. Further there is no reason to keep the dictionary at the end of the chat and therefore it would have been obvious to delete the dictionary at the end of the session. Further, Nishino teaches in column 9, 13-38, and figure 5A, that words are registered at the start of the session, i.e. when the email is created, and is deleted when the message is sent, i.e., the end of the session. It is therefore clear that the combination of Nishino and Shimohata teaches the use of a virtual dictionary file that is created at the start of a collaborative session, remains available for use during the entire session and then is erased when the session ends.

2. The Appellant asserts on page 6:

It would not be obvious to one of ordinary skill in the art to transport any session-based concepts from Shimohata to the Nishino environment when the Nishino environment does not make use of sessions to begin with.

However the examiner maintains that it would be obvious to one of ordinary skill in the art to transport any session-based concepts from Shimohata to the Nishino environment. As noted above, even if Nishino is not a collaborative session as argued by the appellant, it is still session based. Shimohata is session based as well, albeit a difference form of collaborative session. Given this fact, it would have been obvious to use a the temporary dictionary system of Nishino in a multilingual chat environment of Shimohata in order to allow for user defined special words to be translated. In the combination, one of ordinary skill in the art would appreciate that as the session is no

longer a single email and now constitutes a chat, any temporary dictionary must be maintained until the end of the session, in this case the chat.

Section 101 Rejections – Claims 13 and 19

3. The Appellant asserts on page 7:

Claims 13 and 19 are directed to statutory subject matter and fall within the statutory classes defined in 35 U.S.C. 101.

The examiner maintains that claims 13 and 19 are directed to non-statutory subject matter. The claim is directed towards a computer program product which comprises a computer usable medium and computer code. However, nowhere is computer usable medium defined in the specification or the claims. Page 7, paragraph 0034 suggests CD-ROM or DVD-ROM, but also suggests that “other configurations are possible as well.” Therefore computer usable medium is open to any reasonable interpretation. One of ordinary skill in the art can appreciate that a computer usable medium can be interpreted that as a carrier wave or a network signal, both of which are considered non-statutory under 35 U.S.C. 101. Computer code is also considered non-statutory under 35 U.S.C. 101. Therefore claims 13 and 19 are accordingly rejected as being non-statutory under 35 U.S.C. 101.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2626

Respectfully submitted,

/Douglas C Godbold/

Examiner, Art Unit 2626

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